

STATE • INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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NOV 18 2004

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42737

PROGRESS REPORT AND PETITION FOR)
APPROVAL OF MODIFICATIONS OF, AND)
REVISED COST ESTIMATES RESPECTING)
CLEAN COAL TECHNOLOGY OF)
NORTHERN INDIANA PUBLIC SERVICE)
COMPANY, UNDER THE ONGOING)
REVIEW PROCESS APPROVED IN)
CAUSE NO. 42150, PURSUANT TO)
CODE § 8-1-8.7)

You are hereby notified that on this date, the Indiana Utility Regulatory Commission has caused the following entry to be made:

On October 26, 2004, Northern Indiana Public Service Company ("Petitioner" or "NIPSCO") filed its *Submission of Agreed Upon Hearing Schedule*. NIPSCO has conferred with the Indiana Office of Utility Consumer Counselor ("OUCC") and they have agreed to the following procedural schedule:

1. **Petitioner's Prefiling Date.** The Petitioner prefiled with the Commission its prepared testimony and exhibits constituting its case-in-chief on October 12, 2004.
2. **Public's and Intervenors' Prefiling Date.** Public and all Intervenors should prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before December 8, 2004. Copies of same should be served upon all parties of record.
3. **Petitioner's Rebuttal Prefiling.** The Petitioner should prefile with the Commission its prepared rebuttal testimony on or before December 14, 2004. Copies of same should be served upon all parties of record.
4. **Settlement.** In the event the parties are able to reach an agreement on some or all of the issues in this Cause, the agreement should be submitted to the Commission five (5) days prior to the date of the Hearing.
5. **Evidentiary Hearing on the Parties' Cases-In-Chief.** The cases-in-chief of the Petitioner, Public and any Intervenors should be presented in an evidentiary hearing to commence at 1:30 p.m. on December 16, 2004 in Room E-306, Law Library, of the Indiana Government Center South, Indianapolis, Indiana. At such time, the direct evidence of the respective parties should be presented and their respective witnesses examined. Thereafter, Petitioner should present its prefiled

rebuttal evidence as well as any additional evidence rebutting evidence adduced on cross-examination of Public's or Intervenor's witnesses.


6. **Discovery.** Discovery is available for all parties and should be conducted on an informal basis. Any response or objection to a discovery request should be made within five (5) business days of the receipt of such request and any requests filed with the Commission after 12:00 noon shall be deemed to have been filed the following business day. Following the submission of rebuttal testimony, discovery shall be responded to within three (3) calendar days.

7. **Prefiling of Workpapers.** When prefiling technical evidence with the Commission, each party should concurrently file copies of the work papers used to produce that evidence. Copies of same should also be provided to any other party requesting such in writing. When submitting workpapers to the Commission, two (2) copies of each document should be filed with the Secretary of the Commission.

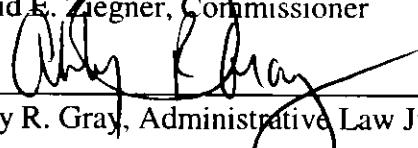
8. **Number of Copies/Corrections.** With the exception of work papers, the parties should file with the Commission an original and five (5) copies of all prefiled testimony and exhibits. Any corrections to prefiled testimony should be made in writing as soon as possible after discovery of the need to make such corrections. Although the Commission's rules require that original copies be one-sided, it is the Commission's preference that duplicate copies use both sides of the paper.

9. **Intervenors.** Any party permitted to become an Intervenor in this Cause should be bound by the record as it stands at the time its Petition to Intervene is granted, pursuant to 170 IAC 1-1.1-11.


IT IS SO ORDERED.



David E. Ziegner, Commissioner



Abby R. Gray, Administrative Law Judge



Date